

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|--------------------------|---|--------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | CRIMINAL NO. 19-08 |
| |) | Judge Phipps |
| HAROLD NOVICK |) | |

ORDER

AND NOW, this 28th day of January, 2019, upon consideration of the foregoing Motion for Order Authorizing Defendant's Use of Laptop at the Allegheny County Jail, it is hereby ORDERED, ADJUDGED AND DECREED that said motion be and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that the Federal Public Defender shall reproduce copies of the Rule 16 recordings as necessary to load said materials onto a laptop computer, and/or related equipment. The Federal Public Defender shall load such application software as is necessary for inspecting and/or reviewing the Rule 16 materials, but no internet access, electronic mail, gaming or other application software may be placed onto said computers. The Rule 16 materials to be reproduced and loaded onto the computer held by the Allegheny County Jail are compact discs containing documents, recordings of telephone calls, transcripts of telephone calls, summaries and transcripts of electronic communications, Title III Applications and Authorizations, Search Warrant Applications, surveillance reports, surveillance

photographs, and other materials provided to Harold Novick by the Government pursuant to Rule 16 of the Federal Rules of Criminal Procedure

After loading the discovery materials, the Federal Public Defender shall deliver such computer and related equipment to the Allegheny County Jail, which shall accept custody of such equipment and materials so that Defendant, Harold Novick, can have direct access to certain discovery materials.

The computers and all related equipment are and shall remain property of the Federal Public Defender and the Office of Defender Services, Administrative Office of the United States Courts.

Further, a representative of the Federal Public Defender's Office may be admitted to the ACJ to train the detained Harold Novick in the operation and use of the computers and any related equipment. After training, upon request of Harold Novick, ACJ shall release a computer containing the pre-loaded materials identified above to Harold Novick for inspection of discovery materials. Harold Novick may request a computer as often as necessary to complete the review, but upon completion of each inspection shall return the laptop to the custody of ACJ.

The ACJ may make reasonable rules and regulations governing Harold Novick's access to the computers, taking into consideration the volume of materials, Harold Novick's need to review the materials individually in a private area, ACJ's interest in maintaining security and order, and the importance of preserving the equipment in good working order. To the extent practicable, Harold Novick shall be provided advance notice of any rules and regulations governing their computer access and use.

It is further ORDERED that use of said computer is authorized for the limited purpose of allowing Harold Novick to review the discovery materials. No other purpose is authorized. request for use of the equipment and/or resources covered by this order, and any data, metadata, records or other technological information generated by a defendant's use of the equipment or resources made available under this Order is confidential and shall be protected against disclosure to the government by the attorney work product doctrine. See Fed. R. Crim. Pro., Rule16(b)(2).

It is further ORDERED that upon the earlier of: (a) completion of the above-captioned proceedings or (b) release from detention of Harold Novick from the ACJ, ACJ shall return the computer equipment to the Federal Public Defender.

By the Court:

J.____/s/ Peter J. Phipps